

APR 01 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

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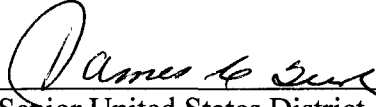
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|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 7:99CR00032 |
| |) | (CASE NO. 7:13CV80577) |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| |) | |
| CALVIN BERNARD GREEN, |) | By: James C. Turk |
| |) | Senior United States District Judge |
| Defendant. |) | |

Calvin Bernard Green, a federal inmate proceeding pro se, filed this motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255. Upon review of the motion and court records, the court concludes that the § 2255 motion must be dismissed as successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court records indicate that defendant previously filed § 2255 motions concerning this same conviction and sentence. See, e.g., United States v. Green, Case No. 7:09CV80166, 2009 WL 2840491 (W.D. Va. Aug. 31, 2009) (dismissing § 2255 motion as untimely), appeal dismissed, 353 F. App'x 873, 2009 WL 4250593360 (4th Cir. Nov. 30, 2009). As the defendant offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, the court must dismiss his current action without prejudice. A separate order will be entered this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to the defendant.

ENTER: This 20th day of March, 2013.



Senior United States District Judge